

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Leonard Green
Clerk

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

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Filed: August 28, 2007

Mr. Stuart A. Cole
Office of the Attorney General
Corrections Litigation Section
150 E. Gay Street
16th Floor
Columbus, OH 43215-6001

Ted Marcum
Ross Correctional Institute
P.O. Box 7010
Chillicothe, OH 45601-0000

Re: No. 07-4068, *Ted Marcum v. Ohio Adult Parole Authority*
Originating Case No. 02-00425

Dear Sir or Madam,

Your appeal has been docketed as case number **07-4068** with the caption that is enclosed on a separate page. The appellate case number and caption must appear on all filings submitted to the Court.

Please read this paragraph very carefully. A briefing schedule will not be issued until after the District Court and the Court of Appeals have issued rulings on a certificate of appealability. You may file a motion giving this Court your reasons why you believe a certificate should issue or you may simply wait while the Court of Appeals does its own review of all the issues rejected by the District Court. It may be several weeks or longer before both courts have ruled on a certificate of appealability, so be patient. If either court certifies at least one issue for appeal, then the Clerk's office will issue a briefing schedule. However, if both the District Court and the Court of Appeals refuse to certify any issues, then the appeal is over.

The following paragraphs concern the filing fee for this appeal and should also be read very carefully.

- If you are able to pay the \$455.00 filing fee, you must pay it to the District Court by **September 27, 2007** or the appeal will be dismissed for want of prosecution.
- If you paid the \$5 filing fee when you filed your habeas petition, but now wish to seek a waiver of the filing fee for this appeal, **you must file a motion for pauper status in the District Court** and request that the \$455.00 filing fee be waived.
- If you had pauper status while your case was in the District Court but the district judge **revoked** it by ruling that **an appeal would not be taken in good faith**, then you have 30 days in which to **renew your motion for pauper status in the Court of Appeals**. If the Court of Appeals grants your motion, your filing fee is waived; if the Court denies your motion, then you will be given a new deadline to pay the \$455.00 filing fee.

The Clerk's office cannot give you legal advice but if you have questions about the forms, please contact the office for assistance.

Sincerely yours,

Michelle M. Davis
Case Manager
Direct Dial No. 513-564-7025
Fax No. 513-564-7098
CA06-Team2@ca6.uscourts.gov

cc: James Bonini

Enclosure

OFFICIAL COURT OF APPEALS CAPTION FOR 07-4068

TED MARCUM,

Petitioner - Appellant

v.

OHIO ADULT PAROLE AUTHORITY,

Respondent - Appellee

James Bonini
Southern District of Ohio at Cincinnati
100 E. Fifth Street
Suite 103 Potter Stewart U.S. Courthouse
Cincinnati, OH 45202-0000
